

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Speed Way Transportation, LLC, <i>et al.</i>,</b>	:	
	:	
Plaintiffs,	:	Case No. 2:20-cv-05047
	:	
v.	:	Judge: Sarah D. Morrison
	:	
<b>City of Gahanna, Ohio <i>et al.</i>,</b>	:	Magistrate Judge: Kimberly A. Jolson
	:	
Defendants.	:	

**ANSWER OF DEFENDANTS CITY OF GAHANNA, KEITH WINN, GAHANNA  
DIVISION OF POLICE, AND JEFF SPENCE TO PLAINTIFFS' AMENDED  
COMPLAINT**

1. Defendants admit the allegations raised in Paragraph 1 of the Complaint that Plaintiffs are seeking monetary and injunctive relief under 42 U.S.C. 1983 for violations under the Fourteenth Amendment to the United States Constitution regarding the bidding process of the City of Gahanna for vehicle towing contracts.
2. Defendants admit that jurisdiction is proper before this Court as alleged in Paragraph 2 of the Complaint.
3. Defendants admit that venue is proper before this Court as alleged in Paragraph 3 of the Complaint.
4. Defendants deny the allegations in Paragraph 4 of the Complaint for want of knowledge.
5. Defendants deny the allegations in Paragraph 5 of the Complaint for want of knowledge.
6. Defendants admit the allegations in Paragraph 6 of the Complaint.
7. Defendants admit the allegation in Paragraph 7 of the Complaint that Keith Winn was appointed by the Mayor as the Public Safety Director but acknowledge that he no longer

serves in that capacity. Defendants admit the remaining allegations in Paragraph 7 of the Complaint.

8. Defendants admit the allegations in Paragraph 8 of the Complaint.
9. Defendants deny the allegation in Paragraph 9 of the Complaint as it calls for a legal conclusion.
10. Defendants admit that Plaintiff submitted a bid for a three-year towing contract to the City of Gahanna in July 2017, but deny the remaining allegations in Paragraph 10.
11. Defendants deny the allegations in Paragraph 11 of the Complaint.
12. Defendants admit the allegations in Paragraph 12 of the Complaint.
13. Defendants admit the allegation in Paragraph 13 of the Complaint that Plaintiff filed a lawsuit against the City of Gahanna in the Franklin County Court of Common Pleas.
14. The allegations in Paragraph 14 of the Complaint are compound and call for legal conclusions regarding the intent of City officials. To the extent a response is required, Defendants deny the allegations.
15. Defendants admit the allegations in Paragraph 15 of the Complaint.
16. Defendants deny the allegations in Paragraph 16 of the Complaint.
17. Defendants deny the allegations in Paragraph 17 of the Complaint.
18. Defendants admit the allegation in Paragraph 18 of the Complaint.
19. Defendants deny the allegations in Paragraph 19 of the Complaint for want of knowledge.
20. Defendants admit the allegations in Paragraph 20 of the Complaint.
21. Defendants admit the allegations in Paragraph 21 of the Complaint.
22. Defendants admit the allegations in Paragraph 22 of the Complaint but deny that the inspection was unfair or inadequate.

23. Defendants deny the allegations in Paragraph 23 of the Complaint as they call for a legal conclusion regarding the intent of Defendants.

24. Defendants deny the allegations in Paragraph 24 of the Complaint for want of knowledge.

25. Defendants deny the allegations in Paragraph 25 of the Complaint.

26. Defendants deny the allegations in Paragraph 26 of the Complaint.

27. Defendants deny the allegations in Paragraph 27 of the Complaint.

28. Defendants admit that it denied the Plaintiffs grievance filed with the City of Gahanna but denies the remaining allegations in Paragraph 28 of the Complaint.

29. Defendants deny the allegations in Paragraph 29 of the Complaint.

30. Defendants deny the allegations in Paragraph 30 of the Complaint.

31. Defendants deny the allegations in Paragraph 31 of the Complaint for want of knowledge.

32. Defendants reaffirm the foregoing denials and admissions and objections in response to Paragraph 32 of the Complaint.

33. Defendants deny the allegations in Paragraph 33 of the Complaint.

34. Defendants deny the allegations in Paragraph 34 of the Complaint.

35. Defendants deny the allegations in Paragraph 35 of the Complaint.

36. Defendants deny the allegations in Paragraph 36 of the Complaint as they call for a legal conclusion.

**WHEREFORE**, Defendants request this Court:

- (a) Dismiss Plaintiff's last remaining Equal Protection Claim;
- (b) Award Defendants' reasonable attorneys' fees and costs; and
- (c) Any other relief that this Court deems just.

Respectfully submitted,

/s/ Frank J. Reed, Jr.

Frank J. Reed, Jr. (0055234), Trial Counsel

Jesse J. Shamp (0097642)

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing has been served on all parties via their counsel of record through the Court's ECF system this 22<sup>nd</sup> day of June, 2023.

/s/ Jesse J. Shamp  
Jesse J. Shamp (0097642)

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